

Application No. 10/585,773
Amendment Dated November 10, 2009
Reply to Office Action of September 1, 2009

Amendments to the Drawings:

Attachment: Replacement Sheets

REMARKS

The Office Action mailed September 1, 2009 has been carefully considered by Applicant. Reconsideration is respectfully requested in view of the foregoing amendments to the drawings, specification and claims.

Allowable Subject Matter

Claims 19-26 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Drawings/Specification

The drawings are objected to for failing to comply with 37 C.F.R. §1.84(p)(4), 37 CFR §1.84(p)(5), and for having missing and duplicate reference numbers. The drawings and specification are hereby amended to designate the recesses with the reference character "41". Drawing Figure 8 is amended to re-add reference character "77" which was errantly deleted during copying of the application at the International Bureau. Figure 10 is amended to change reference character "88" to "84" in accordance with the specification paragraph [0049] and Figure 9. No new matter is added by any of these amendments. Withdrawal of the objections to the drawings is respectfully requested.

The specification at page 1, line 10 is also amended to correct a typographical error. No new matter is added by this change.

Claim Rejections Under 35 U.S.C. §102

Claims 9-12, 14-15 and 17 have been rejected as being anticipated by Halaunbrenner U.S. Patent No. 3,824,957 under 35 U.S.C. §102(b).

Claims 9 and 10 are amended to more particularly point out and distinctly claim the subject matter of the invention. The Examiner's rejections under Section 102(b) are respectfully traversed. Reconsideration is requested.

Claim 9

The Examiner has not set forth a *prima facie* case of anticipation for claim 9. Claim 9 recites an emigration device that comprises *at least one cut-out which arranges for crustacea to migrate from a portion of a second, essentially central cut-out in the rearing device onto the sea bed*. This structure is not disclosed by Halaunbrenner '957, which discloses a hollow cylinder (central member 15) made of plastic material. The cylinder defines a single central orifice 6 defined by a wall 7. *c.f.* column 3, lines 54-55; column 4, lines 35-36; and abstract. The claimed *at least one cut-out* in combination with the claimed *second cut-out* is not disclosed. Withdrawal of the rejection under Section 102(b) is thus appropriate and respectfully requested.

Claim 10

The Examiner has not set forth a *prima facie* case of anticipation for claim 10. Claim 10 recites that the emigration device is provided with *at least one side support element being independent of the rearing device and projecting from a top portion of a base of the emigration device and extending essentially parallel to at least a portion of the central cut-out of the rearing device*. An example of this arrangement is shown and described with reference to Figures 7 and 8 and paragraph [0045]. An alternative arrangement is shown in Figures 9 and 10 at element 81. In contrast, structure 12 of Halaunbrenner '957 is defined by portions of separate plates 9, 10 as the plates are stacked on top of each other. Structure 12 is not *independent of the rearing device*, as the term "rearing device" is interpreted by the Examiner. Withdrawal of the rejection of claim 10 is thus appropriate and respectfully requested.

Claims 11 and 12

Claims 11 and 12 depend directly and indirectly from claims 9 and 10 and are thus allowable for the reasons stated above. Such action is respectfully requested.

Claim 14

Claim 14 recites an emigration device that is provided with *a mounting element fixed to the base for securing of the rearing device to the emigration device*. The Examiner has not set forth a *prima facie* case of anticipation for claim 14. In the Office Action, the Examiner fails to explain which structure in the Halaunbrenner '957 reference is interpreted to be the claimed *base*. Without this explanation, it is impossible for the Applicant to understand how it is the Examiner interprets Halaunbrenner '957 to disclose the claimed *mounting element fixed to the base*. If the Examiner is implying that the claimed *base* is anticipated by the lowest plate in Halaunbrenner '957, the rejection is still inappropriate and therefore traversed. The collar 18 of Halaunbrenner '957 is not fixed to the lowest plate. *c.f.* column 3, lines 51-63. As such, withdrawal of the rejection of claim 14 is appropriate and respectfully requested.

Claim 15

Claim 15 recites *a clamping device which is adjustably connected to the mounting body, being arranged to exert a force against a portion of the rearing device*. The Examiner believes that the "key 22" disclosed by Halaunbrenner '957 is an adjustable clamping device. This is incorrect. *c.f.* Figure 4 and column 4, lines 13-17. As such, withdrawal of the rejection of claim 15 is appropriate and respectfully requested.

Claim 17

Claim 17 depends from claim 9 and is thus believed allowable for the reasons stated above, as well as the subject matter recited therein.


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Conclusion

The present application is thus believed in condition for allowance and such action is respectfully requested.

Respectfully submitted,

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